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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

CaptionAmerica

March 12, 1993

**Ms. Donna R. Searcy
Secretary
Room 222
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554**

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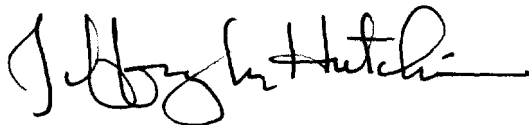
Dear Ms. Searcy:

Enclosed please find one original and nine copies of our reply comments in support of the Notice of Proposed Rule Making in MM Docket No. 92-305.

We are forwarding under separate cover courtesy copies of these comments to William H. Hassinger and James E. McNally, Jr. of the Mass Media Bureau at the Commission.

Thank you for your assistance.

Sincerely,



**Jeffrey M. Hutchins
Vice President & General Manager**

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of the Rules Relating)
to Permissible Uses of the)
Vertical Blanking Interval)
of Broadcast Television Signals)

MM Docket No. 92-305

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REPLY COMMENTS OF CaptionAmerica
A DIVISION OF AMERICAN DATA CAPTIONING, INC.

1. INTRODUCTION AND SUMMARY OF POSITION

CaptionAmerica has reviewed comments filed in response to the above-captioned Notice of Proposed Rule Making (NPRM) released by the Commission on December 31, 1992. CaptionAmerica is an active member of the Television Data Systems Subcommittee (TDSS) within the Consumer Electronics Group of the Electronic Industries Association (EIA/CEG). We participated in the EIA/CEG's petition which led to the NPRM. CaptionAmerica also helped formulate EIA/CEG's comments to the Commission. We did not file separate comments because we felt the EIA comments adequately represented our position, which is that we wholeheartedly support the proposed rule. We now wish to reply individually to other comments filed in this proceeding.

Upon review of comments, CaptionAmerica still supports the NPRM and urges the Commission to reject any changes to the NPRM as proposed by certain commenters. Specifically, we disagree with changes and concerns expressed in the comments of the National Captioning Institute (NCI) and the Association for Maximum Service Television, Inc. (MSTV). This document details our points of disagreement with those comments.

2. PRIORITY OF TEXT MODE DATA

NCI at Paragraph 8 and MSTV on Page 5 both request that Text Mode data be given transmission priority on Line 21 Field 2 over so-called Extended Data Services (EDS). Such assignment of priority, whether deserving or not, falls outside the scope of the NPRM and would come dangerously close to legislating a non-captioning service.

Currently, transmission priority is given to captioning on Line 21 Field 1. Priority means that caption data, once encoded, may not be deleted and replaced by any other data. This prohibition applies even if the caption data is to be buffered and reinserted at some later time. To afford this same priority to Text Mode data, on either field, would necessarily mean that Text, once encoded, cannot be deleted downstream. Such a rule would give Text Mode data the same protection as Caption Mode data, a status that Text Mode currently does not enjoy under Commission rules governing Line 21 Field 1 (§73.682(a)(22)) and which it does not need in order to be useful.

NCI says they expect "that captioned programs will be accompanied with captioning-related text services such as instructional materials for educators' use in classrooms." If such services are delivered over the airwaves, broadcasters will have adequate control over their own signal to ensure data integrity. If the services are delivered by videotape, the FCC rules would not apply anyway. Despite the availability of Line 21 Field 1 for 13 years, no such use has ever been made of Text Mode. If, in the future, such a service becomes viable, full protection of the data is *de facto* guaranteed on Field 1 anyway, since there are no other services interleaved there.

MSTV asserts that "designating 'captioning' and 'text' services as the primary uses of line 21, field 2...will help ensure that line 21, field 2 is used primarily for enhanced closed captioning services." We fail to see how prioritizing Text Mode data, which is today virtually never program related, will enhance closed captioning.

3. PROPOSED DEFINITIONS OF DATA SERVICES

NCI at Paragraphs 9 and 10, and in their Appendix on Page 7 suggests definitions for "caption," "text," and "extended data service." They are correct in stating that if different priorities are to be assigned to these different services, then accurate definition is vital. Their proposed definitions for "text" and "extended data service," however, are vague and unusable.

The Commission has already adequately defined "caption." NCI's rewrite of the proposed definition is unobjectionable, but also unneeded. However, their definition of "text" as meaning "written information that is not a caption that is displayed in real time" is inaccurate and unclear. The EIA/CEG's anticipated EDS usage would also fit this definition. Text Mode can only be clearly defined in precise technical terms, not by its content or by what it is not. Strictly speaking, "text" is any data which are preceded by the Resume Text Display command and not interrupted by data for any other Mode of display. One may then define "extended data services" as data other than Caption Mode or Text Mode data. CaptionAmerica believes that even these precise definitions are not necessary because they serve no regulatory purpose and because Text Mode is already so defined, by implication, in the rules implementing the Television Decoder Circuitry Act.

In the NPRM at Paragraph 12, the Commission noted that NCI had suggested definitions for the different service modes. In its latest comments, NCI has changed substantially their proposed definition for "text." (They had earlier recommended the definition of "text" as "caption-related text," a term which is not currently used in either the captioning or text-services industries, and which makes little sense.) CaptionAmerica could not support that earlier definition. Instead, we agree more closely with the comments of the WGBH Educational Foundation (WGBH) at Page 2 when they say that

"the Rules as they stand, supplemented by EIA-608, provide abundantly clear definitions of these and all related terms."

However, NCI does raise a good point in their comments at Paragraph 10 when they note the NPRM's error in referring to "additional text." NCI correctly states that a "caption is not a form of 'text' as the proposed rule's use of the term 'additional text' would imply." We believe that this minor error could best be corrected by restating the rule as follows:

On a space available basis, line 21 field 2 may also be used for text-mode data and extended data service information.

4. PROPAGATION OF DELAY IN CAPTION APPEAR TIMES

NCI at Paragraphs 5, 6, and 7, and in their Appendix on Page 7, state concerns about Text Mode and EDS data being "likely to offset the timing at which these captions were intended to be displayed." CaptionAmerica shares NCI's concern in this matter, but we believe their proposed solution to be unnecessary and too vague to be of value. Further, we believe that this matter is not one which requires regulation.

NCI's Appendix proposes language meant to preserve caption timing, which is unquestionably critical. They suggest a rule which states that the "presence of any text service in a signal shall not noticeably offset the time" of a caption. (NCI repeats this rule for extended data services). Without defining what is meant by "noticeably offset," the rule is worthless. Yet even among captioners there is no unanimous agreement on how much delay is "noticeable." A trained captioner can notice a two-frame (.067 seconds) delay; a casual observer will generally notice delays equal to or greater than five frames (.20 seconds), though they may not find that delay objectionable. Real-time captions for live programs are typically delayed two seconds or more beyond the audio.

Furthermore, NCI's proposed rule may make today's encoding conventions illegal. The only Line 21 encoding equipment used at the national television networks (including PBS) incorporates software designed, owned, and licensed by NCI. That software today automatically inserts a one-frame delay in captions, even when no downstream data are added. It is commonplace for Line 21 Field 1 captions on a network to be delayed two or more frames before it reaches the consumer's television.

We do not believe the Commission needs to provide regulation in the area of caption delay because captioners and encoder manufacturers have already codified adequate policies through the EIA/CEG's development of recommended practices. These recommendations take into account the complexities of data creation, insertion, and buffering in a way much more suited to actual practice than NCI's proposed language.

5. INTERFERENCE WITH LINE 22

MSTV on Page 4 recommends that "before reassigning line 21, field 2, the Commission should determine the extent to which interference to line 22 is probable, and whether it can be avoided." Clearly, that was the intention of the Commission's questions at Paragraph 11 of the NPRM. Several commenters, notably WGBH on Page 2 and A.C. Nielson Company on Page 6, have provided adequate proof that MSTV's concerns are groundless and that the Commission should not delay the rule making.

6. CONCLUSION

CaptionAmerica concurs with the unanimous sentiment of the commenters that the Commission should adopt the rule proposed in the NPRM. We also agree with the vast majority of commenters who believe the rule should be adopted exactly as written in the NPRM, with the possible exception noted above to replace the term "additional text" with

the term "text-mode data." Adoption of this rule by the Commission will significantly enhance captioning and other services provided to consumers. We strongly support this rule making effort and hope it will be acted upon expeditiously.

CaptionAmerica thanks the Commission for its attention to these matters.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jeffrey M. Hutchins". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jeffrey M. Hutchins
Vice President & General Manager
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